

CONGRESSIONAL RECORD SUMMARY

Tuesday, December 4, 2001

SENATE

Measures Introduced:

S. 1763. A bill to promote rural safety and improve rural law enforcement; to the Committee on Finance.
Daschle *Pages S 12369, S 12375-6*

S. 1765. A bill to improve the ability of the United States to prepare for and respond to a biological threat or attack; *read the first time*.
Frist *Page S 12369*

Measures Reported:

Report to accompany **S. 1233**, to provide penalties for certain unauthorized writing with respect to consumer products. (Senate Report No. 107-106)
H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, with an amendment in the nature of a substitute.
Pages S 12368, D 1196

H.R. 10. Comprehensive Retirement Security and Pension Reform Act:

Senate continued consideration of H.R. 10, to provide for pension reform, taking action on the following amendments proposed thereto:

Pages S 12340-4, S 12350-1, S 12352-63, D 1196

Rejected:

By 40 yeas to 59 nays (Vote No. 347), **Domenici Amendment 2202 (to Amendment No. 2170)**, to strike section 105 (c), regarding Office of Management and Budget's reporting and scorekeeping of the bills budgetary outlays.

Pages S 12340-4, S 12350-1, D 1196

By 27 yeas to 72 nays (Vote No. 348), **Nickles Amendment No. 2175 (to Amendment No. 2170)**, to use a 5-year average rather than a 10-year average in computing the average account benefits ratio.

Pages S 12355-62, D 1196

By 21 yeas to 78 nays (Vote No. 349), **Gramm Amendment No. 2196 (to Amendment No. 2170)**, to ensure that returns on investment are earned prior to any reduction in taxes or increase in benefits.

Pages S 12352-5, S 12362-3, D 1196

Pending:

Daschle (for Hatch/Baucus) Amendment No. 2170, in the nature of a substitute.

Pages S 12340-4, S 12350-1, S 12352-63, D 1196

A unanimous-consent agreement was reached providing that at 9:30 a.m., on Wednesday, December 5, 2001, Senator Nickles be recognized to raise a point of order against the pending substitute (listed above), with Senator Baucus being recognized to make a motion to waive. Further, that following 30 minutes of debate time, the Senate proceed to a vote on the motion to waive and if the motion to waive is agreed to then the substitute amendment be agreed to, the bill be read a third time, and the Senate then proceed to a vote on passage of the bill, with the pending cloture vote having been vitiated.

Pages S 12385-6, D 1196

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, December 5, 2001.

Pages S 12386, D 1196

H.R. 2299. Department of Transportation Appropriations Conference Report:

By 97 yeas to 2 nays (Vote No. 346), ***Senate agreed to the conference report on H.R. 2299***, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, clearing the measure for the President.

Pages S 12332-40, S 12348, S 12350, D 1196

Nomination Received:

Senate received the following nomination:

Paul A. Quander, Jr., of the District of Columbia, to be *Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency* for a term of six years. (New Position)

Pages S 12387, D 1197

Committee Meetings:

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held hearings to examine the differences between human reproductive cloning and regenerative medicine, or therapeutic cloning, the ethical implications of cloning research, and the implications of cloning legislation on potential cell-based therapies.

Page D 1197

Committee on the Judiciary: Committee concluded hearings to examine the constitutional and legal implications of the President's recent executive order to establish military commissions with respect to the detention, treatment, and trial of persons accused of terrorist activities.

Committee on the Judiciary: Committee concluded oversight hearings to examine the response of the Department of Justice to terrorist attacks of September 11, 2001, focusing on current U.S. immigration policy and practices related to the detention of certain individuals.

United States Senate Caucus on International Narcotics Control: Caucus concluded hearings on the relation between rave promoters and club drug abuse, focusing on providing current information on the medical effects of club drugs, advancing drug education and prevention, and enhancing parental knowledge of club drugs.

Page D 1198

Committee Meetings For Wednesday, December 5, 2001:

Committee on Appropriations: @ 9:30 a.m. *Subcommittee on Treasury and General Government, to hold hearings to examine United States northern border security policy. SD-192.*

Pages D 1200-1

Committee on the Judiciary: @ 10:00 a.m. *To hold hearings to examine the nominations of Callie V. Granade, to be United States District Judge for the Southern District of Alabama, Marcia S. Krieger, to be United States District Judge for the District of Colorado, James C. Mahan, to be United States District Judge for the District of Nevada, Philip R. Martinez, to be United States District Judge for the Western District of Texas, C. Ashley Royal, to be United States District Judge for the Middle District of Georgia, and Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice. SD- 226.*

Committee on the Judiciary: @ 1:30 p.m. Subcommittee on Crime and Drugs, to hold hearings to examine the future of the community oriented policing services program of the Department of Justice. SD-226.

Page D 1201

HOUSE

Bills Introduced:

H.R. 3391. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Johnson

Page H 8842

H.R. 3393. A bill to make additional emergency supplemental appropriations for fiscal year 2002 for urgent counter-terrorism activities; to the Committee on Appropriations.

Murtha

Page H 8842

H.R. 3396. A bill to *amend title 18, United States Code*, to prohibit aiding terrorists; to the Committee on the Judiciary.

Green

Page H 8842

H.R. 3400. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 2003 through 2007 for the coordinated Federal program on networking and information technology research and development, and for other purposes; to the Committee on Science.

Smith

Page H 8842

Suspensions:

The House agreed to suspend the rules and pass the following measures:

Know Your Caller Act: H.R. 90, amended, to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made.

Pages H 8763-5, D 1199

See Page H 8763. SEC. 2. PROHIBITION OF INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.

“(3) Private right of action.--A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State...”

Criminal Justice Coordinating Council Restructuring Act: H.R. 2305, amended, to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council. Agreed to amend the title.

Pages H 8811-13, D 1200

“... The amended bill authorizes the heads of six Federal agencies, the Court Services and Offender Supervision Agency for the District of Columbia, the District of Columbia Pretrial Services Agency, the U.S. Attorney for the District, the Bureau of Prisons, and the U.S. Parole Commission, as well as the U.S. Marshal Service, to meet regularly with District law enforcement officials. It also requires the CJCC to submit an annual report detailing its activities to the President, Congress and the appropriate Federal and local agencies...” (Morella, Page H 8811)

Suspensions (Cont'd.):

Medicare Regulatory and Contract Reform: H.R. 3391, to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program (agreed to by a yeand-nay vote of 408 yeas with none voting “nay,” Roll No. 467).

Pages H 8778-H 8801, H 8814-15, D 1199

See Pages H 8785-7: SEC. 402. PROCESS FOR EXPEDITED ACCESS TO REVIEW.

(a) Expedited Access to Judicial Review.--Section 1869(b) (42 U.S.C. 1395ff(b)) as amended by BIPA, is amended--

(1) in paragraph (1)(A), by inserting “, subject to paragraph (2),” before “to judicial review of the Secretary's final decision”;

(3) by adding at the end the following new paragraph:

“(2) Expedited access to judicial review.--

“(A) In general.--The Secretary shall establish a process under which a provider of services or supplier that furnishes an item or service or an individual entitled to benefits under part A or enrolled under part B, or both, who has filed an appeal under paragraph (1) may obtain access to judicial review when a review panel (described in subparagraph (D)), on its own motion or at the request of the appellant, determines that no entity in the administrative appeals process has the authority to decide the question of law or regulation relevant to the matters in controversy and that there is no material issue of fact in dispute. The appellant may make such request only once with respect to a question of law or regulation in a case of an appeal...

Committee Meetings For Wednesday, December 5, 2001:

Committee on Government Reform, @ 9:30 a.m. Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on *“Federal Law Enforcement: Long Term Implications of Homeland Security Needs.”* 2154 Rayburn.

Committee on Government Reform, @ 10:00 a.m. Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on *“The Debt Collection Improvement Act of 1996: How Well is it Working?”* 2244 Rayburn.

Committee on Science, @ 10:00 a.m. Hearing on *“Science of Bioterrorism: Is the Federal Government Prepared?”* 2318 Rayburn.

Page D 1201

Remarks:

Racial Profiling.

Trafficant

Page E 2200

H.R. 3280, To Lower The Time Of Continuous Active Duty Required To Receive Level I Basic Allowance Of Housing.

Mink

Pages E 2203-4

Remarks (Cont'd.):

History Of The Civil War, Military Tribunals And Detention.

“... Let us say 100 of them are captured and brought to the United States. Where are Members going to find 100 additional Federal judges, 100 Federal courthouses, that can be cordoned off, blocked off, checked every day for anthrax, checked for bombs? Where are we going to find a courthouse where we can get a jury that is willing to sit, a jury deciding on al Qaeda, when we know we do not have every one in our

custody; when they are constantly reminded in this trial of what happened in New York City on the acts of terrorism? Where are we going to find, without hampering and deadlocking the rest of the Federal court system, where are we going to get all of these judges to decide on this? Then what do you do, provide those judges with lifetime round-the-clock security for the rest of their lives? [] So the Wall Street Journal goes on further and says, look, from a practical viewpoint it does not make sense to hold these trials or tribunals or have trials in Federal courts in the middle of a populated center. It makes sense for the protection of the population around that courthouse, for the protection of the people working in that courthouse, it makes sense to have these trials, considering the backgrounds of these individuals and the allegations against them, to have these trials on a military base. [] Judges are even more at risk. Two Federal judges, as I mentioned earlier, two Federal judges in New York remain under tight security to this day, long after the end of those terror trials..."

McInnis

Pages H 8833-40

Next SENATE MEETING: Wednesday, 9:30 a.m., December 5, 2001.

Next HOUSE MEETING: Wednesday, 10:00 a.m., December 5, 2001.

OLA: S. Schwarz (Smith)